



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	24123
	Date Issued: _____	29 March 2006
	Comments Due: _____	1 May 2006

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Kerr-McGee Oil and Gas Onshore, L.P.
16666 Northchase Drive
Houston, Texas 77060-6014

AGENT: Brown & Caldwell
1415 Louisiana Street, Suite 2500
Houston, Texas 77002-7352
Telephone: 713-646-1151
POC: Sam Damico

LOCATION: The project site is located in wetlands adjacent to East Bay Bayou and Onion Bayou, within the Anahuac National Wildlife Refuge, west of East Bay Bayou and west of Onion Bayou, within an area known as the Solomon-Barrow Project Area, southeast of Anahuac, in Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: High Island, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 358418; Northing: 3277290.

PROJECT DESCRIPTION: The applicant is requesting authorization to construct a well pad to support drilling and production activities at the Solomon-Barrow No. 1 Prospect Well. Approximately 20,000 cubic yards of fill material will be discharged into 2.18 acres of scrub-shrub wetland habitat to construct a 400-foot by 400-foot well pad and an associated ring levee. In addition, the applicant proposes to install 4.8 miles of a 4-inch pipeline beginning at the production site and terminating at an existing processing facility located north of the refuge. A total of 1.07 acres of wetlands would be temporarily impacted as a result of pipeline installation activities.

To compensate for impacts to the aquatic environment, the applicant is proposing a wetland restoration project within the Granberry Unit of the Anahuac National Wildlife Refuge. The activity would be funded by the applicant and implemented by the United States Fish and Wildlife Service. The project will involve the construction of a series of levees and water control structures designed to facilitate water management activities on the site. Ultimately, the project should result in the restoration and enhancement of approximately 209 acres of shallow, freshwater wetlands.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The applicant's plans are enclosed, in 4 sheets, along with the proposed mitigation plan, in 3 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Railroad Commission certification is required.

Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation was conducted in the permit area and is entitled *Phase I Cultural Resources Survey at the Solomon-Barrow No. 1 Prospect, Chambers County, Texas*, prepared by Brown and Caldwell for Kerr-McGee Oil and Gas Onshore, L.P. dated 21 February 2006. No historic properties were found in the permit area; therefore, no further work is recommended for this project as planned.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers (Corps), and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **1 May 2006**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

Kimberly McLaughlin
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3936 Phone
409-766-6301 Fax

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